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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/621,381	07/18/2003	Tae Hyoung Kim	Hyoung Kim 3449-0267P 4037	
2292	7590 03/18/20	04	EXAMINER	
	EWART KOLASC	THOMPSON, GREGORY D		
PO BOX 747 FALLS CHURCH, VA. 22040-0747			ART UNIT	PAPER NUMBER
	•		2835	

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 18 July 2003. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)☑ Claim(s) 1-5 and 16-19 is/are allowed. 6)☑ Claim(s) 6-15 is/are rejected. 7)□ Claim(s) is/are objected to. 8)□ Claim(s) are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☑ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received. 2.☑ Certified copies of the priority documents have been received in Application No. 10/141,814. 3.□ Copies of the certified copies of the priority documents have been received. Attachment(s) 1)☑ Notice of References Cited (PTO-892)		Application No.	Applicant(s)					
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- 1. Please add continuation data to page 1 of disclosure.
- 2. All cited art in SN 10/141814 has been considered.
- 3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claims 6-15 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 6-15 of prior U.S. Patent No. 6,603,659. This is a double patenting rejection.

The only difference between claims 6 and 11 in the application and patent is the different preamble language, which appears to add no structure to the heat dissipator. Claims 7-10, 12-15 in the application and patent claims the same structural limitations.

5. Claims 1-5, 16-19 is allowed.

The cited art does not teach nor suggest a heat dissipator composed of a main base having mounted thereto a plurality of parts including at least one motor for optical writing and/or reproduction; a circuit board positioned below the main base and having installed thereon elements for controlling the parents; a heat generating element

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formed with a plurality of leads which are connected to a circuit pattern of the circuit board; a heat conduction member brought into contact with at least the leads, for receiving heat generated in the heat generating element; and a cabinet brought into contact with the heat conduction member and formed with an element accommodating section and/or a pair of protrusions which are shaped to be functionally associated with an outer surface of the heat generating element to ensure that the heat dissipating member is brought into close contact with the leads of the heat generating element.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory D Thompson whose telephone number is (571)272-2045. The examiner can normally be reached on Mon-Thur from 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Schuberg E Darren, can be reached on (571)272-2800 (ext)35. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

A Menymu